

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	No. 4:15CR00404 HEA (NAB)
vs.	)	
	)	
VIRGIL SIMS,	)	
Defendant.	)	

**MOTION FOR LEAVE TO FILE MOTIONS ONE DAY OUT OF TIME**

COMES NOW Defendant, Mr. Virgil Sims, by and through counsel and requests leave to file Motions one day out of time. In support of his Motion, Defendant states as follows:

1. Defendant, Mr. Sims, is charged in the above styled cause in Counts 3, 19, and 20 of the Fourth Superseding Indictment with: conspiracy to distribute and possession with intent to distribute cocaine in violation of 21 U.S.C. §841(a)(1); the murder of Mr. William Thomas in furtherance of a drug conspiracy in violation of 21 U.S.C. §848(e)(1)(A); and the discharge of a firearm in furtherance of a drug trafficking crime wherein Mr. William Thomas was killed in violation of 18 U.S.C. §2.

2. This Court previously entered an Order in this case requiring Mr. Sims' to file Motions on or before August 13, 2018.

3. Mr. Sims has completed his Motion to File Under Seal, Motions to Suppress, Motion to Dismiss, Motion for Franks Hearing, Motion for Discovery, Motion to Sever and the accompanying Exhibits.

4. Mr. Sims was unable to complete the electronic filing of his Motions by yesterday, August 13, 2018.

5. Mr. Sims' requests leave of Court to file his Motions on today's date, August 14, 2018, one day out of time.

6. The Government will not be prejudiced by Mr. Sims' request as co-defendants Lemons and Thompson have requested additional time to file Motions. Further the Government has not yet seemingly filed Notice of Intent to Seek (or Not Seek) the death penalty against co-defendant Mr. Jordan. As such, the position of the case remains that several defendants, including additionally to those listed above that Mistrs Dillon, Grady and Woodson, still presumably have matters pending before this Court.

WHEREFORE Mr. Sims respectfully requests that this Court grant his Motion to file his Eight (8) Motions filed contemporaneously one day out of time and for any additional relief that this Court deems just and proper.

Respectfully Submitted,

/s/ Kim C Freter  
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ATTORNEY FOR DEFENDANT SIMS

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing was delivered to all parties via the Court's electronic filing system on this 14th day of August, 2018.

/s/ Kim C Freter  
Attorney for Defendant